

**United States Bankruptcy Court
Western District of Oklahoma**

In re William Lady

Debtor(s)

Case No. 14-15151

Chapter 13

**MOTION TO MODIFY CHAPTER 13 PLAN, FOR ATTORNEY COMPENSATION,
WITH BRIEF IN SUPPORT, WITH NOTICE OF TIME FOR RESPONSE,
WITH NOTICE OF HEARING**

Comes Now, William Lady, Debtor, and prays for an order modifying his Chapter 13 Plan.

FACTS

Ocwen filed an invalid claim approximately four (4) months after the claims bar date causing case dismissal by the Trustee due to non-feasibility. Debtor filed his Objection to the claim on Nov 12, 2015, No. 36 on the docket. However, as of this date, Ocwen has not responded to the objection. Debtor filed an amended Objection to Claim on December 8, 2015, No. 38 on the Docket, in accordance with FRBP 9006, upon which, the time for response ends December 22, 2015.

The Debtor prays for an order modifying the plan as originally confirmed, with Modification of payments that will allow Debtor to continue to pay Ocwen in accordance with the terms of the Mortgage note which Debtor signed with Wells Fargo Bank, N.A, the principal Lender with whom Debtor entered the contract originally. As asserted in the Objection to Claim, Ocwen has yet to file a valid claim or to answer Debtor's objection. The Wells Fargo loan documents are the only valid, non-Bankruptcy documents upon which a valid claim can be determined. .

BRIEF IN SUPPORT

Debtor brings this motion under authority of 11 USC § 1329 , which states, in pertinent part:

11 USC § 1329 - Modification of plan after confirmation
" a) At any time after confirmation of the plan but before the completion of payments under such plan, the plan may be modified, upon request of the debtor, the trustee, or the holder of an allowed unsecured claim, to—
(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;... "

PRAYER FOR RELIEF

Therefore, Debtor prays for an order: a) that Debtor's plan be treated as current through November 30, 2015

and b) that the Debtor's plan is ordered to be modified to allow Debtor to commence payments of \$607. per month as of December 2015, and for the remaining 48 months until the plan is paid in full and, c) that Debtor's Attorney, Alexander Hilton, be compensated the fee of \$350 for the preparation, filing and service of these pleadings.

Respectfully Submitted this 8th Day of December, 2015 by:

/s/ Alexander Hilton

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Attorney For Debtor

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Ave., Oklahoma City, OK 73102 no later than 28 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. **The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).**

NOTICE OF HEARING TO BE HELD IF A RESPONSE IS FILED

Notice is hereby given that if a response to the Objection to Claim is filed, the hearing on the matter will be held on January 12, 2016, at 9:45 A.M. in the Second floor Courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

CERTIFICATE OF SERVICE

I, Alexander Hilton, hereby certify that on December 8, 2015 , a true and correct copy of Motion to Modify Chapter 13 Plan, no. 41 on the docket, was served electronically by CM/ECF upon the following interested parties:

U.S. Trustee: Ustpregion20.oc.ecf@usdoj.gov

John T. Hardeman:13trustee@chp13okc.com, trustee@chp13okc.com

**Jim Timberlake: bmyers@baer-timberlake.com;kjones@baer-timberlake.com;
cbogle@baer-timberlake.com**

Sean R McFarland on behalf of Oklahoma Tax Commission: bankruptcy@tax.ok.gov

I, Alexander Hilton, further certify that on December 8, 2015 , a true and correct copy of Motion to Modify Plan, no. 41 on the docket, was served by regular United States mail, First Class, Postage Pre-Paid to the following list interested parties and all creditors listed on the attached creditor list:

**Ocwen Loan Servicing, LLC, as Servicer For
Wells Fargo Bank National Association
c/o Attn: Bankruptcy Department
P.O. BOX 24605
West Palm Beach, FL 33416-4605**

**/s/ Alexander E. Hilton, II
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bklawokc@gmail.com; alex@bankruptcylawgroup.info**

Date **December 8, 2015**

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